

From: Jonathan Corchnoy <gpvanguard@hotmail.com>
Sent: Wednesday, January 5, 2022 6:29 PM
To: Comments Mailbox
Subject: [External]REQUESTING COMMENTS ON RECOMMENDATIONS RELATING TO RETAINER FEE AGREEMENTS IN STATUTORY FEE-SHIFTING CASES

Importance: High

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To the NJ Supreme Court:

I whole-heartedly concur with John Rue's "Comments on Report by Balducci Committee" previously submitted.

As a long-time member of the *NJ Bar Assn's Education Committee*, I saw this issue arise again and again. The whole point of fee-shifting in IDEA cases was so that Parents without means of students with disabilities who could not get a Free Appropriate Public Education (FAPE) without a legal fight could not get attorneys to represent them for such complicated matters without fee-shifting.

I recall that a similar issue came up before the NJ Senate some years ago regarding a statute to shift the Burden of Persuasion to School Districts from Parents of such students. In my recollection, it remains the only time the NJ Senate agreed to anything UNANIMOUSLY.

If such parents can be represented by competent counsel and School Districts knew that they would bare *all of the cost* of failing to provide a student a FAPE, then matters would be settled much quicker. Bonafide claims would be resolved quickly and the corresponding attorney fees much smaller than after a Due Process hearing spanning 4 or 5 days of testimony.

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